

**DURHAM, NORTH CAROLINA
MONDAY, JANUARY 5, 2004
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Absent: None.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance.

Mayor Pro Tempore Cole-McFadden made comments on the reception held for the Durham Screaming Eagles and announced that she attended the 21st Century Community Learning Center opening ceremony.

Council Member Clement noted he also attended the 21st Century Community Learning Center at Fisher Memorial UHC and annual the Emancipation Proclamation program held at Mt. Calvary UCC sponsored by the Interdenominational Ministerial Alliance. Also, he requested that an item be added to the agenda directing the City Clerk to prepare a resolution memorializing Sam Moore.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner provided Council with a revised motion for Consent Agenda #13 [Amendment to Project Grant Ordinance No. 12883 - Incumbent Worker Training Funds] noting the amount changed from \$34,253 to \$159,720 due to additional funds.

MOTION by Council Member Clement seconded by Council Member Best to accept the City Manager's priority item was approved at 7:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda items 4 [Project Safe Neighborhood]; 20 [Special Project, Emily Krzyzewski Family Life Center]; 23 [Washington Legislative Affairs Representative]; 26 [Update on Small Business Loans] and 27 [American Tobacco Campus Construction Update] were pulled.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve the Consent Agenda as amended was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

January 5, 2004

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES – CITY CLERK’S OFFICE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to approve City Council Minutes for the November 17, 2003 Regular and Special City Council Meetings; and

To approve City Council action taken at the November 20, 2003 City Council Work Session was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: 2003 DOMESTIC VIOLENCE UNIT GRANT AWARD

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to accept the grant award of \$430,820, from the Office of Justice Programs, Office on Violence Against Women; and

To adopt the City of Durham, North Carolina and the U. S. Department of Justice, Office of Violence Against Women, “Grants to Encourage Arrest Policies” grant project ordinance was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12898

SUBJECT: LICENSE AGREEMENT WITH BRANDYWINE ROSE, LLC – RIVER’S EDGE SUBDIVISION

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a license agreement with Brandywine Rose, LLC to serve River's Edge Subdivision was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH GEORGE M. SMART, JR., INDIVIDUAL – G M SMART PROPERTY

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a water and sewer extension agreement with George M. Smart, Jr., Individual, to serve G M Smart Property was approved at 7:14 p.m.

January 5, 2004

by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: STREET ACCEPTANCE

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to accept certain streets in Green Gardens, Phase 1; Ridgefield, Phases 5C & 5D; Royal Troon; Bay Pointe, Phase 1; Treyburn; Hope Valley Farms - Regency @ Carlton Crossings; Alexander Crossing, Phase 1; Lynn Hollow, Phase 2, as listed, for maintenance by the City of Durham was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Green Gardens – Phase I

1. Turmeric Lane – from the west curb line of Fayetteville Street west to the end of Phase I construction @ STA 22+38.46 (1,218'), and
2. Cilantro Court – from the centerline of Turmeric Lane south thru the cul-de-sac (207'), and
3. Coriander Court – from the centerline of Turmeric Lane north thru the cul-de-sac (202').

Ridgefield – Phase 5C & 5D

1. Pebblestone Drive – from the end of Phase 5A construction southwest past Bowler Drive to the end of Phase 5C @STA 54+68.37 (569'), and
2. Bowler Drive – from the end of Phase 5B construction west to the centerline of Pebblestone Drive (455').

Royal Troon

1. Rhum Drive – from the east curb line of Craig Road east to the centerline of Kinross Court (468'), and
2. Crail Court – from the centerline of Rhum Drive north thru the cul-de-sac (220'), and
3. Clyde Court – from the centerline of Kinross Court south thru the cul-de-sac (165'), and
4. Kinross Court – from the centerline of Rhum Drive north thru the cul-de-sac (198'), and
5. Kinross Court – from the centerline of Rhum Drive south then east thru the cul-de-sac (435').

Bay Pointe – Phase I

1. Bay Pointe Drive – from the centerline of Martin Luther King, Jr. Parkway south to the end of Phase I construction @ STA 14+29 (429'), and
2. Hanson Road – from the centerline of Bay Pointe Drive east to the end of Phase I construction @ STA 12+22 (222'), and
3. Newtown Court – from the centerline of Bay Pointe Drive northwest thru the cul-de-sac (245').

Treyburn

January 5, 2004

1. Vintage Hill Parkway – from the centerline of Sawmill Creek Parkway south then west to the centerline of Dam Access Road (2,645’.)

Hope Valley Farms (Regency @ Carlton Crossings)

1. Carlton Crossing Drive – from the beginning of Phase 2A @ STA 30+25 Northeast and around the circle to STA 38+50 (825’), and
2. Regency Drive – from the end of Phase IB north thru PH2A to Carlton Crossing Drive (1,292’), and
3. Spreading Oak Court – from the end of PH1 A construction north thru the cul-de-sac (412’), and
4. Enzo Court – from the centerline of Regency Drive east thru the cul-de-sac (170’.)

Alexander Crossing – Phase I

1. Cedar Grove Drive – from the north curb line of T.W. Alexander Drive north then east to the end of Phase I construction @ STA 17+90 (1,371’), and
2. Alexis Court – from the centerline of Cedar Grove Drive north thru the cul-de-sac (422’.)

Lynn Hollow – Phase 2

1. Forrestal Drive – from the end of Phase I construction southwest to the end of Phase 2 construction @ STA 21+42.16 (512’), and
2. Oriskony Drive – from the centerline of Forrestal Drive west toward the future Lynn Road extension (150’), and
3. Oriskony Drive – from the centerline of Forrestal Drive east to the end of Phase 2 construction @ STA 13+20 (120’.)

**SUBJECT: WATER EXTENSION AGREEMENT WITH CHRIS CHOI,
INDIVIDUAL – HANMAUM CHURCH**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a Water Extension Agreement with Chris Choi, Individual, to serve Hanmaum Church was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH BOSTIC
DEVELOPMENT AT NCCU, LLC – UNIVERSITY VILLAGE**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a water and sewer extension agreement with Bostic Development at NCCU, LLC to serve University Village was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

January 5, 2004

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH
VILLAGE CUSTOM HOMES COMPANY – ACADEMY RIDGE
SUBDIVISION**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Village Custom Homes Company to serve Academy Ridge Subdivision was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WATER EXTENSION AGREEMENT WITH PORTRAIT HOMES
CONSTRUCTION COMPANY – TECHNOLOGY PARK NORTH**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a Water Extension Agreement with Portrait Homes Construction Company to serve Technology Park North was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH
DURHAM COUNTY HABITAT FOR HUMANITY
CORPORATION – CARTHAGE VILLAGE**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Durham County Habitat for Humanity Corporation to serve Carthage Village was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO PROJECT GRANT ORDINANCE NO. 12883 –
INCUMBENT WORKER TRAINING FUNDS**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to adopt an ordinance amending the Grant Project Ordinance No.12883, to formally incorporate \$159,720 of additional Federal Employment and Training Grant Funds into the 2003-2005 City Employment and Training Budget for a total of \$2,066,757 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12900

January 5, 2004

**SUBJECT: AMENDMENT 2 OF CONTRACT WITH SYNAGRO
SOUTHEAST, INC. FOR DISPOSAL OF WATER AND
WASTEWATER RESIDUALS**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to extend the term of the existing contract with Synagro Southeast, Inc. for five years, with modifications, and to execute a revised contract entitled "Contract for Water and Wastewater Sludge Removal, Land Application and Associated Services"; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: CONTRACT FOR ENGINEERING SERVICES FOR LAKE
MICHIE DAM IMPROVEMENTS - HAZEN AND SAWYER, P.C.**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Hazen and Sawyer, P.C. in the amount of \$157,265 for engineering services for Lake Michie Dam improvements; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: AMENDMENTS TO WATER SALES AGREEMENTS – TOWN OF
HILLSBOROUGH AND ORANGE-ALAMANCE WATER
SYSTEM, INC.**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute amendments to existing water sales agreements with both the Town of Hillsborough and the Orange-Alamance Water System, Inc. to extend the term of each water sales agreement through June 30, 2008; and

To authorize the City Manager to modify the agreements before execution provided the modifications do not change to the cost of the agreements and the modifications are consistent with the general intent of the version of the agreements approved by City Council was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

January 5, 2004

SUBJECT: REPORT FOR THE CLEAN UP AND MAINTENANCE OF GEER CEMETERY, 800 COLONIAL DRIVE - TAX MAP 117-01-018, PARCEL ID 109653

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive and accept the report for the clean up and maintenance of Geer Cemetery; and

To direct Administration to utilize one or more of the alternatives contained in the report as an interim solution was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: PRIVATE SALE OF LOT #3 OF CITY TRACT #1191 TO CAROLINA REGIONAL CDC - PIN #0841-11-67-5334 - PARCEL I.D. 132466, OLD TAX MAP 388-02-021 (FERNANDO STREET)

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the offer of \$5,000 from Carolina Regional CDC to purchase Lot #3 of City Tract #1191; and

To adopt a resolution authorizing the sale of Lot #3 of City Tract #1191 by private sale under the authority of G.S. 160A-279 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Resolution #9074

SUBJECT: CENTENNIAL VILLAGE – ALLOCATION OF HOME PROGRAM FUNDING FOR EAGLE VILLAGE CDC FOR THE DEVELOPMENT OF AFFORDABLE HOUSING

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a loan agreement with Eagle Village CDC in the amount of \$475,000 in HOME Program funds for the development of the Centennial Village Homeownership project; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

January 5, 2004

**SUBJECT: SUB-RECIPIENT AGREEMENT – HOUSING FOR NEW HOPE-
PHOENIX HOUSE**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute a sub-recipient agreement in an amount not to exceed \$58,000 from CDBG funds with Housing for New Hope to provide case management services, substance abuse counseling, and residential management services; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: MEMORANDUM OF AGREEMENT FOR GOOSE CREEK
STREAM RESTORATION - NORTH CAROLINA DEPARTMENT
OF ENVIRONMENT AND NATURAL RESOURCES ECOSYSTEM
ENHANCEMENT PROGRAM**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to authorize the City Manager to execute the Memorandum of Agreement with the North Carolina Department of Environment and Natural Resources Ecosystem Enhancement Program for the Goose Creek stream restoration feasibility study; and

To authorize the City Manager to modify the Memorandum of Agreement before execution provided the modifications do not increase the dollar amount of the agreement and are consistent with the general intent of the version of the agreement approved by City Council was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER SERVICES FOR THE CITY OF
CREEDMOOR**

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive a report on Water and Sewer Services for the City of Creedmoor was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

**SUBJECT: INITIAL CONCEPTUAL DESIGN FOR MULTI-MODAL
STATION**

January 5, 2004

To receive a presentation on the Initial Conceptual Design for Multi-Modal Station.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to refer this item to the January 22, 2004 City Council Work Session was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: ELLERBE CREEK LOCAL WATERSHED PLAN

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive a presentation on the Ellerbee Creek Local Watershed Plan; and

To adopt the Ellerbe Creek Local Watershed Plan was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: SOUTHEAST DURHAM JOINT COMMUNITY COUNCIL - LEVERN HARPER

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive comments from Levern Harper regarding the left turn signal at Alston Avenue and Lawson Street, left turn signal malfunction at South Alston Avenue and Cecil and South Alston Avenue and to refer this item back to the administration was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM LITERACY CENTER - LUCY HAAGEN

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive comments from Lucy Haagen on moving the Teen GED program to the Community Family Life and Recreation Center at Lyon Park was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: RALPH MCKINNEY

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to receive comments from Ralph McKinney on Racial Sexual Harassment Abuse was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

January 5, 2004

SUBJECT: PROPOSED ACQUISITION OF PROPERTY LOCATED AT 5412 FAYETTEVILLE ROAD OLD TAX MAP 519-02-008, PIN 0729-03-22-4056 (PARCEL ID 147700) – EVELYN S. WILLIAMS

To authorize the City Manager to approve the acquisition of the property of Ms. Evelyn S. Williams, land and improvements, at a cost of \$131,200 located at 5412 Fayetteville Road, Tax Map 519-02-008, PIN 0729-03-22-4056, Parcel ID 147700.

Note: This item was approved at the 12/18/03 Work Session with a vote of 6/0.

SUBJECT: OPTIONAL RELOCATION ASSISTANCE POLICY FOR DISPLACED BARNES AVENUE HOMEOWNERS

To adopt an Optional Relocation Assistance Policy for one displaced Barnes Avenue homeowners in the Barnes Avenue Redevelopment Area.

Note: This item was approved at the 12/18/03 Work Session with a vote of 5/1.

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: PROJECT SAFE NEIGHBORHOOD GRANT AWARD - NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION GOVERNOR’S CRIME COMMISSION

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, Inc., urged Council to set aside funding for rehabilitation programs.

Council held discussion on the notification process and STARS program.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to accept the grant award of \$81,787 from the North Carolina Department of Crime Control and Public Safety, Division Governor’s Crime Commission; and

To adopt the City of Durham, North Carolina and the North Carolina Department of Crime Control and Public Safety, Division of Governor’s Crime Commission, “Durham Project Safe Neighborhoods” grant project ordinance was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12899

January 5, 2004

SUBJECT: FISCAL YEAR 2002 ECONOMIC DEVELOPMENT INITIATIVE – SPECIAL PROJECT, EMILY KRZYZEWSKI FAMILY LIFE CENTER, INC.

Council Member Stith expressed M/WBE participation concerns regarding this item.

MOTION by Council Member Stith seconded by Council Member Clement to authorize the City Manager to execute a subrecipient contract with the Emily Krzyzewski Family Life Center, Inc., in the amount of \$225,000 for the design and construction drawings and to authorize \$25,000 to cover City's administrative oversight for a total grant amount of \$250,000; and

To adopt a Grant Project Ordinance in the amount of \$250,000 for the Emily Krzyzewski Family Life Center; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12901

SUBJECT: WASHINGTON LEGISLATIVE AFFAIRS REPRESENTATIVES

To authorize the City Manager to enter into negotiations with Jorden Burt, LLP for the City of Durham's Legislative Affairs Representatives in Washington, DC.

Note: This item was approved at the 12/28/03 Work Session with a vote of 6/0.

Relative to letter received from Capitol Link, Council Member Clement requested the City Manager or Mayor to write a letter on Council's behalf discussing why the City is terminating its relationship with them.

City Manager Conner noted as part of the process, she will be sending a letter to everyone who was not selected when Council makes a decision as to who will be the legislative affairs representative.

Council Member Stith expressed a concern with the cost.

Assistant to the City Manager Elizabeth Stoeber noted the price is one of the negotiation points.

City Manager Conner noted once negotiations are complete, the administration will bring a report to the January 22, 2003 City Council Work Session.

January 5, 2004

Council held discussion on what services are included in the monthly fee, timeline, role of city staff, Congressman Price and 30-day out clause.

Mayor Pro Tempore Cole-McFadden asked the administration to obtain information from the consultant firm that was present at the Work Session on how they recruit their workforce.

SUBJECT: UPDATE ON THE STATUS OF THE SMALL BUSINESS LOANS

Council Member Best asked the City Attorney to come back to Council with options on pursuing prosecution of individuals involved in the small business loan investigation.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive an update on the Small Business Loans was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

SUBJECT: AMERICAN TOBACCO CAMPUS CONSTRUCTION UPDATE

Victoria Peterson expressed concern that African Americans are not being hired for the American Tobacco project.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive a report regarding the status of construction at the American Tobacco Campus was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: CONTRACTS

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute contracts as listed; and

To authorize the City Manager to make changes to contracts on the list before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 7:52 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Contractor	Contract Description	Dept	CT Amt
Manfred Bowden	Official	P&R	\$ 1,360.00
Anthony Cooley	Official	P&R	\$ 4,800.00

January 5, 2004

Gaynell Sharpe	Senior Aerobics	P&R	\$ 3,900.00
Maceo Boston	Official	P&R	\$ 1,000.00
Allen Clayton	Official	P&R	\$ 1,360.00
Arnetta Herring	Aerobics	P&R	\$ 2,300.00
Harvey Slade	Women's Self Defense	P&R	\$ 1,500.00
Carl Bumpass	Facility Attendant	P&R	\$ 3,000.00
William Dorsey	Facility Attendant	P&R	\$ 1,500.00
K&C Enterprises	Contract Amendment-increasing CT amount	Housing	\$ 4,000.00
Complete Lawn Care	Contract Amendment-increasing CT amount	Housing	\$ 4,000.00
The Creative Mark	Marketing Communication and contract renewal	Public Affairs	\$ 70,000.00
Conexion Latina	Marketing Communication and contract renewal	Public Affairs	\$ 25,000.00
Housing Authority of Durham	Purchase and install crime prevention lighting & equipment (Contract Extension)	Housing	No additional cost

SUBJECT: PROPOSED AMENDMENTS TO THE 2000-2005 DURHAM CONSOLIDATED PLAN AND THE FY 2001-2002, 2002-2003 AND 2003-2004 CONSOLIDATED ACTION PLANS

Mayor Bell asked questions regarding Attachment A--Proposed CDBG/HOME Consolidated Plan Amendment—relative to the 1st Time Homebuyers Program, Public Services and Rehabilitation. He expressed concern with the goal for 1st Time Homebuyers program noting it is unrealistic to reach a goal of 60 homes with \$595,000.

Shannon Pittman, of the Housing Department, noted in addition to the bond funds, there is over \$1 million dedicated for 1st Time Homebuyers program.

Mayor Bell urged the administration to not set the goals so high that they cannot be achieved and to realistically establish goals that fit the dollars that are available.

Mayor Pro Tempore Cole-McFadden asked the administration why contracts are on hold for the Turning Point Gang Initiative and John Avery Boys and Girls Club.

Housing Director Charlene Montford stated both contracts are on hold while the conflict of interest requirement is being completed for federal regulation since former Council Member Tamra Edwards inadvertently voted for the overall budget in May 2003 which included the Turning Point Gang Initiative and for the reason that there is a relationship between Assistant City Manager Sharon Laisure and John Avery Boys and Girls Club Executive Director Floyd Laisure. She noted both projects are waiting on the waiver from HUD to the conflict of interest rule.

January 5, 2004

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to adopt the proposed Amendments to the 2000-2005 Durham Consolidated Plan and the FY 2001-2002, 2002-2003 and 2003-2004 Consolidated Action Plans on January 5, 2004 was approved at 8:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Note: See Attachment A [Proposed CDBG/HOME Consolidated Plan Amendment] on pages 23-24.

Attachment B

REPROGRAMMING OF CDBG AND HOME FUNDS

Fiscal Year	Activity	CDBG Reprogramming	HOME Reprogramming
2001-2002	Neighborhood Construction Company	24,980	
	E.D. Mickle Roof Replacement	13,983	
2002-2003	Golden Belt Window Replacement	100,000	
	Planning and Administration	65,000	
	Woolworth's Demolition	23,020	
	Section 8 Homeownership Program		180,000
	Next Step Housing		470,000
2003-2004	Golden Belt Window Replacement	100,000	
	Walltown V Homeownership Program		250,000
Totals		\$326,983	\$900,000

January 5, 2004

Attachment C

2003-2004
Community Development Block Grant (CDBG) Program
Consolidated Action Plan Projects Summary

Proposed Amendment
\$2,748,000 Adopted Allocation
+ \$326,983 Proposed Amendment = \$2,974,983

Activity	Recipient	Dollar (\$) Amount
Business Incubator	UDI, CDC	50,000
Calvert Place Acquisitions	Community Builders, Inc.	175,000
Commercial Façade Improvement Program	Office of Economic and Employment Development	50,000
Commercial Loan Pool	Office of Economic and Employment Development	150,000
Community Relations	Department of Housing and Community Development	125,000
Ellerbee II Infrastructure	Durham County Habitat for Humanity	170,000
Financial/Homeownership Counseling	Consumer Credit Counseling Service of Durham	75,000
Golden Belt Window Replacement	Development Ventures, Inc.	100,000
Goose Creek/Barnes Avenue Infrastructure Improvements	Department of Housing & Community Development	60,000
Housing Code Enforcement	Department of Housing & Community Development	450,000
Housing Education Services	Durham Affordable Housing Coalition	69,000
Infrastructure Improvements	City of Durham Public Works Department	225,000
Job Training Counselor Salary	Healing With CAARE, Inc.	35,000
Minor Home Repair Program	Department of Housing & Community Development	50,000
NECD Case Manager	Campaign for Decent Housing/ County Dept. of Social Services	28,000

January 5, 2004

Phoenix House Administration	Phoenix House	58,000
Planning and Administration	City of Durham	509,600
Small Business Start-Ups	Good Work, Inc.	75,000
Structural Improvements to the Boys and Girls Club Facility	John Avery Boys and Girls Club	55,000
Turning Point "Gang" Initiative	YMCA of Greater Durham	50,000
Weatherization Program	Operation Breakthrough	138,400
Youth Life Learning Center Teachers	Youth Life Foundation of the Triangle	50,000
Adopted Budget Total		\$ 2,748,000
PROPOSED CDBG AMENDMENT		
Construction Manager	Durham Community Land Trust	25,000
Infrastructure	Habitat for Humanity	231,983
Child Care	Durham Alliance for Child Care Access	70,000
Proposed CDBG Amendment Total		\$326,983
Reprogramming (FY 03-04 allocation)	Development Ventures, Inc.	-100,000
Reprogramming (FY 02-03 allocation)	Development Ventures, Inc.	-100,000
Reprogramming (FY 02-03 allocation)	Planning and Administration	-65,000
Reprogramming (FY 02-03 allocation)	Woolworth's Demolition	-23,020
Reprogramming (FY 01-02 allocation)	Neighborhood Construction Company	-24,980
Reprogramming (FY 01-02 allocation)	E.D. Mickle Roof Replacement	-13,983
Amended Budget Total		\$2,748,000

January 5, 2004

2003-2004
HOME Investment Partnership Program (HOME)

Consolidated Action Plan Projects Summary

Proposed Amendment

\$1,539,626 Adopted Allocation
+ \$900,000 Proposed Amendment = \$2,189,626

Activity	Recipient	HOME (\$) Amount Approved
Planning & Administration	Department of Housing & Community Development	153,963
CHDO Set-Aside	CHDO Undetermined	357,663
Substantial Homeowner Rehabilitation	Department of Housing & Community Development	300,000
First-Time Homebuyers Program	Department of Housing & Community Development	400,000
Housing Rehabilitation/ Historic Preservation	Historic Preservation Society of Durham	30,000
Walltown Housing Development	Self-Help Credit Union	298,000
Adopted Budget Total		\$ 1,539,626
PROPOSED HOME AMENDMENT		
Acquisition/Rehab/Resale	Durham Community Land Trust	75,000
Acquisition/Rehab	C.A.A.R.E.	80,000
First-time Homebuyer Program	City/County of Durham	195,000
Y.E. Smith Project	TROSA	250,000
CHDO Set-Aside	CHDO Undetermined	300,000
Proposed HOME Amendment Total		\$900,000
Reprogramming (FY 03-04 allocation)	Self-Help Credit Union	-250,000
Reprogramming (FY 02-03 reprogramming)	Next Step Housing	-470,000
Reprogramming (FY 02-03 allocation)	Section 8 Homeownership Program	-180,000
Amended Budget Total		\$1,539,626

Note: A Community Housing Development Organization (CHDO) is a term used under the HOME Program to define a non-profit development entity.

January 5, 2004

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: VOLUNTARY ANNEXATION PETITIONS RECEIVED PRIOR TO OCTOBER 1, 2003

Assistant City Manager Sharon Laisure asked Council to continue the public hearing without further advertising to the January 20, 2004 City Council Meeting.

a) Cardinal Self-Storage (FY2004-#06)

To receive citizens' comments concerning the annexation of the Voluntary Annexation Area; and

To adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58;

To authorize the City Manager to pay the debt service of the Redwood Volunteer Fire Department (VFD) in connection with the Cardinal Self-Storage annexation.

Mayor Bell opened the public hearing.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to continue the public hearing on this item without further advertising to the January 20, 2004 City Council Meeting was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

b) Wanderlust Property (FY2004-#11)

To receive citizens' comments concerning the annexation of the Voluntary Annexation Area; and

To adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58; and

To authorize the City Manager to pay the debt service of the Lebanon Volunteer Fire Department (VFD) in connection with the Wanderlust Property annexation.

Mayor Bell opened the public hearing.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to continue the public hearing on this item without further advertising to the January 20, 2004 City Council Meeting was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

January 5, 2004

c) Trenton Road Properties (FY2004-#13)

To receive citizens' comments concerning the annexation of the Voluntary Annexation Area; and

To adopt "An Ordinance Annexing to the City of Durham" the Voluntary Annexation Area in accordance with N.C. General Statutes 160A-58; and

To authorize the City Manager to pay the debt service of the Parkwood Volunteer Fire Department (VFD) in connection with the Trenton Road Properties annexation.

Mayor Bell opened the public hearing.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to continue the public hearing on this item without further advertising to the January 20, 2004 City Council Meeting was approved at 8:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Note: Effective from and after June 30, 2004

SUBJECT: STREET CLOSING (SC03-08) - PORTION OF DREXALL AVENUE, SOUTH OF EAST LAVENDER STREET – DURHAM HABITAT FOR HUMANITY

City/County Planning Director Frank Duke briefed Council on the staff report.

Council Member Clement disclosed that he is a member of the Durham Habitat for Humanity Board and he has no financial interest in this matter.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to receive public comments; and

To adopt an ordinance permanently closing 52 linear feet (2,822 square feet) within the public right-of-way of Drexall Avenue, south of East Lavender Street was approved at 8:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12902

January 5, 2004

SUBJECT: STREET CLOSING (SC03-09) – PORTION OF LINDBERGH STREET, SOUTH OF EAST LAVENDER STREET – DURHAM HABITAT FOR HUMANITY

City/County Planning Director Frank Duke briefed Council on the staff report.

Council Member Clement disclosed that he is a member of the Durham Habitat for Humanity Board and he has no financial interest in this matter.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive public comments; and

To adopt an ordinance permanently closing 52 linear feet (2,857 square feet) within the public right-of-way of Lindbergh Street, south of East Lavender Street was approved at 8:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12903

SUBJECT: STREET CLOSING (SC03-10) – UNNAMED ALLEY WEST OF DREXALL AVENUE AND SOUTH OF EAST LAVENDER STREET - DURHAM HABITAT FOR HUMANITY

City/County Planning Director Frank Duke briefed Council on the staff report.

Council Member Clement disclosed that he is a member of the Durham Habitat for Humanity Board and he has no financial interest in this matter.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive public comments; and

To adopt an ordinance permanently closing 142 linear feet (2,298 square feet) within the public right-of-way west of Drexall Avenue and south of East Lavender Street was approved at 8:17 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12904

January 5, 2004

SUBJECT: STREET CLOSING (SC03-11) – UNNAMED ALLEY BETWEEN DREXALL AVENUE AND LINDBERGH STREET, RUNNING SOUTH FROM EAST LAVENDER STREET - DURHAM HABITAT FOR HUMANITY

City/County Planning Director Frank Duke briefed Council on the staff report.

Council Member Clement disclosed that he is a member of the Durham Habitat for Humanity Board and he has no financial interest in this matter.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Clement to receive public comments; and

To adopt an ordinance permanently closing 150 linear feet (2,334 square feet) within the public right-of-way of an unnamed alley between Drexall Avenue and Lindbergh Street, running south from East Lavender Street was approved at 8:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12905

SUBJECT: STREET CLOSING (SC03-12) – UNNAMED ALLEY RUNNING BETWEEN DREXALL AVENUE AND LINDBERGH STREET, SOUTH OF EAST LAVENDER STREET – DURHAM HABITAT FOR HUMANITY

City/County Planning Director Frank Duke briefed Council on the staff report.

Council Member Clement disclosed that he is a member of the Durham Habitat for Humanity Board and he has no financial interest in this matter.

Mayor Bell opened the public hearing. There being no one to speak in support for or against this item, the Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Stith to receive public comments; and

To adopt an ordinance permanently closing 450 linear feet (7,230 square feet) within the public right-of-way of an unnamed alley running between Drexall Avenue and Lindbergh Street, south of East Lavender Street was approved at 8:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Best, Brown, Catotti, Clement and Stith. Noes: None. Absent: None.

Ordinance #12906

January 5, 2004

[ITEM ADDED TO THE AGENDA]

SUBJECT: RESOLUTION MEMORIALIZING SAM MOORE

The City Council directed the City Clerk to prepare a resolution memorializing Sam Moore.

There being no further business to come before the City Council, the meeting was adjourned at 8:18 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk